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No. 3 REPATRIATION BOARD – NEW SOUTH WALES

-----STEVENS, George Woodfull.-----

File No: MKM 7257-----

REASON FOR DETERMINATION

This is a claim by the member for acceptance of a back injury as being service-related. The claimant contends that the disability is totally and directly attributable to the type of work in ship and aircraft electronic maintenance in which he was engaged on service. For years this involved lifting, sometimes heavy equipment in and out of confined spaces in environmental conditions which ranged from the freeze of winter in the U.K., Japan and Korea, to the other extreme of high humidity and high temperature in the tropics. He believes that this work environment over the years 1949 - 58, allowed the condition to develop and manifest itself by immobilising him in 1958 for a short period.

After medical investigation, it has been established that the diagnosis is :-

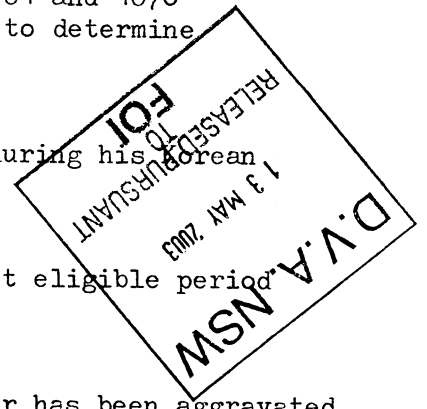
LUMBAR SPONDYLOSIS

The member served in the Australian Navy on full-time duty from 24 September 1946 to 3 June 1956 as a technician and from 4 June 1956 to 21 April 1961 as a commissioned officer, however for the purposes of Repatriation Legislation his eligible periods of service were :-

from 24 September 1946 to 2 January 1949 in Australian waters  
from 27 October 1953 to 2 June 1954 in Korea.

The claim falls for consideration under Sections 101 and 107C of the Repatriation Act and the Board is required to determine whether the incapacity has :-

- (a) resulted from any occurrence that happened during his Korean service,
- (b) arisen out of or is attributable to his first eligible period of service,
- (c) been contributed to in any material degree or has been aggravated by the conditions of either period of eligible service.



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No medical record of the member's condition on enlistment in 1946 has been provided to the Board, but it is known that he was accepted as Category A - Fit for general service.

The service medical records reveal that during service he was treated for a number of disabilities, including :-

24.9.46 to 2. 1.49 - eligible period.

Rubella.

3.1.49 to 26.10.53 - non-eligible period.

Vaccinia and T.A.B. reaction, sprain right ankle, burn right foot, sinusitis, sprained left hand, hypermetropic astigmatism and lazy left eye, sunburn.

27.10.53 to 2.6.54 - eligible period.

Nil recorded.

3. 6.54 to 21.4.61 - non-eligible period.

Tinea left foot, cut finger, influenza, post coryza, tinea pedis.

At a general medical examination on 10.1.56 the member denied any back or joint trouble and on examination his limbs and joints (including hands, feet and back) were described as normal.

In January 1959 he was off duty for 4 days at HMAS Albatross with dorsal 7 root pain. He had a history of increasing pain below the left shoulder blade radiating to the left hypochondrium. On clinical examination there was no reference to any lower back involvement. The x-ray report was clear.

At subsequent annual medical examinations on 13.5.59, 8.2.60 and 27.2.61 the member's spinal column was described as normal.

Prior to discharge the member declared he was not suffering any disease, wound or injury nor was any detected on clinical examination. His weight was 168 lbs; blood pressure was 130/85; visual acuity was right and left 6/6; urine test showed clear; and result of chest x-ray was recorded as Clear.

No clinical history has been presented relating to medical treatment obtained by the member since his discharge. Replies received from Drs. Le Lievre and Pointon stated no records were available.

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In the post-service period the member has been employed as a technician and professional resources manager. Recreational activities have included swimming both before and after enlistment.

In discussing the nature and cause of the incapacity and its relationship to eligible service, a departmental medical officer stated, in part, as follows :-

LUMBAR SPONDYLOSIS

For a detailed description of spondylosis and its causes, see the attachment herewith.

The causes in this member are ageing, constitutional predisposition, obesity, shearing strain and occupational trauma.

The member is 51 years, an age when spondylosis is frequently apparent in individuals with genetically poor joint tissue. His extra weight produces a constant strain on all weight bearing joints especially the lower spine. The member has radiological evidence of a mild scoliosis. This is probably congenital and although mild, would have produced added mechanical strain on the lower back all his life. The member was involved in fairly heavy work as a technician in the Navy. This would have produced strain on the back over a 15 year period of his 51 years, therefore would be a contributory factor in the development of degenerative changes. The member gives no history of a specific back injury at any time.

First eligible period.

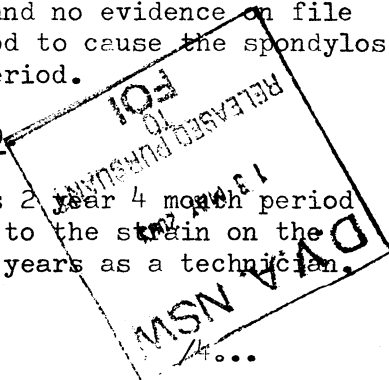
There is no claim by the member and no record on file of any incident in the period causing the lumbar spondylosis and it was not manifest in this period.

Second eligible period.

There is no claim by the member and no evidence on file of any incident during this period to cause the spondylosis which was not manifest in this period.

Eligible period 24.9.46 to 2.1.49.

The events and conditions in this 2 year 4 month period did not significantly contribute to the strain on the lower back experienced over many years as a technician.



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The Board is not required to determine whether eligible service contributed to in any material degree or aggravated the claimed incapacity, the origin or cause of which did not exist prior to the member's enlistment.

All the evidence presented in this claim, including the member's contention, his service and other medical history and the opinion of the departmental medical officer has been carefully studied and following are the Board's findings :-

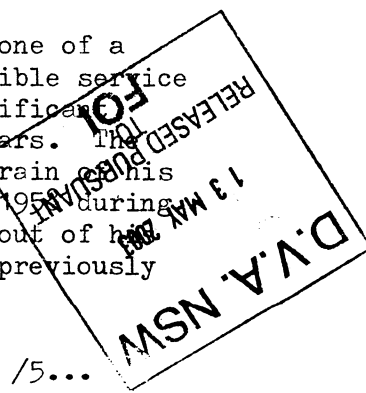
There is no recorded evidence of any lower back problem during the member's eligible or non-eligible service. The record of back trouble in 1959 refers to the upper spine, and this episode is the one referred to by the member in his statement when he says he was hospitalised at HMAS Albatross (1958 ?) for a back ailment.

Medical advice is that the cause of the member's spondylosis is a combination of factors which includes shearing strain and occupational trauma. The departmental medical officer also states that the relatively heavy work performed by the member as a technician in the Navy would have produced strain on his back over a 15 year period and therefore would be a contributory factor in the development of degenerative changes. This comment is later qualified when the departmental medical officer states that the brief period of the member's eligible service in his total service period did not significantly contribute to the strain on the lower back.

In considering the claim the Board is only required to consider the attributability element in respect of his first period of service as this provision does not extend to the legislation relating to Korean service. With regard to the eight months eligible period in Korean waters the Board must only consider whether the claimed incapacity resulted from an occurrence, i.e. a specific incident or event during such service. There is no recorded history of any occurrence which may have caused the lumbar spondylosis and the member has made no contention regarding any previous trauma.

The evidence suggests that occupational strain is but one of a number of factors causing the spondylosis and the eligible service of 2 years 3 months is regarded as providing an insignificant contribution in the overall service of more than 15 years. The member in his contention refers specifically to the strain on his service work and environment during the period 1949 - 1954 during which he is not eligible regarding conditions arising out of his service but is confined to the 'occurrence' provision previously discussed, between 27.10.53 - 2.6.54 only.

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In view of the foregoing, the Board accepts the departmental medical officer's unopposed opinion regarding the nature and cause of the disability to the exclusion of service factors as contended by the member. The Board is satisfied beyond reasonable doubt that there are insufficient grounds for allowing the claim which is therefore refused.

2 June 1981.

